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09400HB1000ham004

LRB094 09733 RXD 44567 a

1 AMENDMENT TO HOUSE BILL 1000

2 AMENDMENT NO. _____. Amend House Bill 1000, on page 1,
3 line 5, after "1-103", by inserting "2-101, 2-104, 3-102.1,
4 3-103, 3-104.1,"; and

5 on page 1, line 5, after "5-102", by inserting "and adding
6 Section 5-102a"; and

7 on page 9, immediately below line 11, by inserting the
8 following:

9 "(775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

10 Sec. 2-101. Definitions. The following definitions are
11 applicable strictly in the context of this Article.

12 (A) Employee.

13 (1) "Employee" includes:

14 (a) Any individual performing services for
15 remuneration within this State for an employer;

16 (b) An apprentice;

17 (c) An applicant for any apprenticeship.

18 (2) "Employee" does not include:

19 (a) Domestic servants in private homes;

20 (b) Individuals employed by persons who are not
21 "employers" as defined by this Act;

22 (c) Elected public officials or the members of
23 their immediate personal staffs;

1 (d) Principal administrative officers of the State
2 or of any political subdivision, municipal corporation
3 or other governmental unit or agency;

4 (e) A person in a vocational rehabilitation
5 facility certified under federal law who has been
6 designated an evaluatee, trainee, or work activity
7 client.

8 (B) Employer.

9 (1) "Employer" includes:

10 (a) Any person employing 15 or more employees
11 within Illinois during 20 or more calendar weeks within
12 the calendar year of or preceding the alleged
13 violation;

14 (b) Any person employing one or more employees when
15 a complainant alleges civil rights violation due to
16 unlawful discrimination based upon his or her physical
17 or mental disability ~~handicap~~ unrelated to ability or
18 sexual harassment;

19 (c) The State and any political subdivision,
20 municipal corporation or other governmental unit or
21 agency, without regard to the number of employees;

22 (d) Any party to a public contract without regard
23 to the number of employees;

24 (e) A joint apprenticeship or training committee
25 without regard to the number of employees.

26 (2) "Employer" does not include any religious
27 corporation, association, educational institution,
28 society, or non-profit nursing institution conducted by
29 and for those who rely upon treatment by prayer through
30 spiritual means in accordance with the tenets of a
31 recognized church or religious denomination with respect
32 to the employment of individuals of a particular religion
33 to perform work connected with the carrying on by such
34 corporation, association, educational institution, society

1 or non-profit nursing institution of its activities.

2 (C) Employment Agency. "Employment Agency" includes both
3 public and private employment agencies and any person, labor
4 organization, or labor union having a hiring hall or hiring
5 office regularly undertaking, with or without compensation, to
6 procure opportunities to work, or to procure, recruit, refer or
7 place employees.

8 (D) Labor Organization. "Labor Organization" includes any
9 organization, labor union, craft union, or any voluntary
10 unincorporated association designed to further the cause of the
11 rights of union labor which is constituted for the purpose, in
12 whole or in part, of collective bargaining or of dealing with
13 employers concerning grievances, terms or conditions of
14 employment, or apprenticeships or applications for
15 apprenticeships, or of other mutual aid or protection in
16 connection with employment, including apprenticeships or
17 applications for apprenticeships.

18 (E) Sexual Harassment. "Sexual harassment" means any
19 unwelcome sexual advances or requests for sexual favors or any
20 conduct of a sexual nature when (1) submission to such conduct
21 is made either explicitly or implicitly a term or condition of
22 an individual's employment, (2) submission to or rejection of
23 such conduct by an individual is used as the basis for
24 employment decisions affecting such individual, or (3) such
25 conduct has the purpose or effect of substantially interfering
26 with an individual's work performance or creating an
27 intimidating, hostile or offensive working environment.

28 (F) Religion. "Religion" with respect to employers
29 includes all aspects of religious observance and practice, as
30 well as belief, unless an employer demonstrates that he is
31 unable to reasonably accommodate an employee's or prospective
32 employee's religious observance or practice without undue
33 hardship on the conduct of the employer's business.

34 (G) Public Employer. "Public employer" means the State, an

1 agency or department thereof, unit of local government, school
2 district, instrumentality or political subdivision.

3 (H) Public Employee. "Public employee" means an employee of
4 the State, agency or department thereof, unit of local
5 government, school district, instrumentality or political
6 subdivision. "Public employee" does not include public
7 officers or employees of the General Assembly or agencies
8 thereof.

9 (I) Public Officer. "Public officer" means a person who is
10 elected to office pursuant to the Constitution or a statute or
11 ordinance, or who is appointed to an office which is
12 established, and the qualifications and duties of which are
13 prescribed, by the Constitution or a statute or ordinance, to
14 discharge a public duty for the State, agency or department
15 thereof, unit of local government, school district,
16 instrumentality or political subdivision.

17 (J) Eligible Bidder. "Eligible bidder" means a person who,
18 prior to a bid opening, has filed with the Department a
19 properly completed, sworn and currently valid employer report
20 form, pursuant to the Department's regulations. The provisions
21 of this Article relating to eligible bidders apply only to bids
22 on contracts with the State and its departments, agencies,
23 boards, and commissions, and the provisions do not apply to
24 bids on contracts with units of local government or school
25 districts.

26 (K) Citizenship Status. "Citizenship status" means the
27 status of being:

28 (1) a born U.S. citizen;

29 (2) a naturalized U.S. citizen;

30 (3) a U.S. national; or

31 (4) a person born outside the United States and not a
32 U.S. citizen who is not an unauthorized alien and who is
33 protected from discrimination under the provisions of
34 Section 1324b of Title 8 of the United States Code, as now

1 or hereafter amended.

2 (Source: P.A. 86-1343; 87-579; 87-666; 87-895.)

3 (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

4 Sec. 2-104. Exemptions.

5 (A) Nothing contained in this Act shall prohibit an
6 employer, employment agency or labor organization from:

7 (1) Bona Fide Qualification. Hiring or selecting
8 between persons for bona fide occupational qualifications
9 or any reason except those civil-rights violations
10 specifically identified in this Article.

11 (2) Veterans. Giving preferential treatment to
12 veterans and their relatives as required by the laws or
13 regulations of the United States or this State or a unit of
14 local government.

15 (3) Unfavorable Discharge From Military Service. Using
16 unfavorable discharge from military service as a valid
17 employment criterion when authorized by federal law or
18 regulation or when a position of employment involves the
19 exercise of fiduciary responsibilities as defined by rules
20 and regulations which the Department shall adopt.

21 (4) Ability Tests. Giving or acting upon the results of
22 any professionally developed ability test provided that
23 such test, its administration, or action upon the results,
24 is not used as a subterfuge for or does not have the effect
25 of unlawful discrimination.

26 (5) Merit and Retirement Systems.

27 (a) Applying different standards of compensation,
28 or different terms, conditions or privileges of
29 employment pursuant to a merit or retirement system
30 provided that such system or its administration is not
31 used as a subterfuge for or does not have the effect of
32 unlawful discrimination.

33 (b) Effecting compulsory retirement of any

1 employee who has attained 65 years of age and who, for
2 the 2-year period immediately preceding retirement, is
3 employed in a bona fide executive or a high
4 policymaking position, if such employee is entitled to
5 an immediate nonforfeitable annual retirement benefit
6 from a pension, profit-sharing, savings, or deferred
7 compensation plan, or any combination of such plans of
8 the employer of such employee, which equals, in the
9 aggregate, at least \$44,000. If any such retirement
10 benefit is in a form other than a straight life annuity
11 (with no ancillary benefits) or if the employees
12 contribute to any such plan or make rollover
13 contributions, the retirement benefit shall be
14 adjusted in accordance with regulations prescribed by
15 the Department, so that the benefit is the equivalent
16 of a straight life annuity (with no ancillary benefits)
17 under a plan to which employees do not contribute and
18 under which no rollover contributions are made.

19 (c) Until January 1, 1994, effecting compulsory
20 retirement of any employee who has attained 70 years of
21 age, and who is serving under a contract of unlimited
22 tenure (or similar arrangement providing for unlimited
23 tenure) at an institution of higher education as
24 defined by Section 1201(a) of the Higher Education Act
25 of 1965.

26 (6) Training and Apprenticeship programs. Establishing
27 an educational requirement as a prerequisite to selection
28 for a training or apprenticeship program, provided such
29 requirement does not operate to discriminate on the basis
30 of any prohibited classification except age.

31 (7) Police and Firefighter/Paramedic Retirement.
32 Imposing a mandatory retirement age for
33 firefighters/paramedics or law enforcement officers and
34 discharging or retiring such individuals pursuant to the

1 mandatory retirement age if such action is taken pursuant
2 to a bona fide retirement plan provided that the law
3 enforcement officer or firefighter/paramedic has attained:

4 (a) the age of retirement in effect under
5 applicable State or local law on March 3, 1983; or

6 (b) if the applicable State or local law was
7 enacted after the date of enactment of the federal Age
8 Discrimination in Employment Act Amendments of 1996
9 (P.L. 104-208), the age of retirement in effect on the
10 date of such discharge under such law.

11 This paragraph (7) shall not apply with respect to any
12 cause of action arising under the Illinois Human Rights Act
13 as in effect prior to the effective date of this amendatory
14 Act of 1997.

15 (8) Police and Firefighter/Paramedic Appointment.
16 Failing or refusing to hire any individual because of such
17 individual's age if such action is taken with respect to
18 the employment of an individual as a firefighter/paramedic
19 or as a law enforcement officer and the individual has
20 attained:

21 (a) the age of hiring or appointment in effect
22 under applicable State or local law on March 3, 1983;
23 or

24 (b) the age of hiring in effect on the date of such
25 failure or refusal to hire under applicable State or
26 local law enacted after the date of enactment of the
27 federal Age Discrimination in Employment Act
28 Amendments of 1996 (P.L. 104-208).

29 As used in paragraph (7) or (8):

30 "Firefighter/paramedic" means an employee, the duties
31 of whose position are primarily to perform work directly
32 connected with the control and extinguishment of fires or
33 the maintenance and use of firefighting apparatus and
34 equipment, or to provide emergency medical services,

1 including an employee engaged in this activity who is
2 transferred to a supervisory or administrative position.

3 "Law enforcement officer" means an employee, the
4 duties of whose position are primarily the investigation,
5 apprehension, or detention of individuals suspected or
6 convicted of criminal offenses, including an employee
7 engaged in this activity who is transferred to a
8 supervisory or administrative position.

9 (9) Citizenship Status. Making legitimate distinctions
10 based on citizenship status if specifically authorized or
11 required by State or federal law.

12 (B) With respect to any employee who is subject to a
13 collective bargaining agreement:

14 (a) which is in effect on June 30, 1986,

15 (b) which terminates after January 1, 1987,

16 (c) any provision of which was entered into by a labor
17 organization as defined by Section 6(d)(4) of the Fair
18 Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and

19 (d) which contains any provision that would be
20 superseded by this amendatory Act of 1987 (Public Act
21 85-748),

22 such amendatory Act of 1987 shall not apply until the
23 termination of such collective bargaining agreement or January
24 1, 1990, whichever occurs first.

25 (C)(1) For purposes of this Act, the term "disability"
26 ~~"handicap"~~ shall not include any employee or applicant who is
27 currently engaging in the illegal use of drugs, when an
28 employer acts on the basis of such use.

29 (2) Paragraph (1) shall not apply where an employee or
30 applicant for employment:

31 (a) has successfully completed a supervised drug
32 rehabilitation program and is no longer engaging in the
33 illegal use of drugs, or has otherwise been rehabilitated
34 successfully and is no longer engaging in such use;

1 (b) is participating in a supervised rehabilitation
2 program and is no longer engaging in such use; or

3 (c) is erroneously regarded as engaging in such use,
4 but is not engaging in such use.

5 It shall not be a violation of this Act for an employer to
6 adopt or administer reasonable policies or procedures,
7 including but not limited to drug testing, designed to ensure
8 that an individual described in subparagraph (a) or (b) is no
9 longer engaging in the illegal use of drugs.

10 (3) An employer:

11 (a) may prohibit the illegal use of drugs and the use
12 of alcohol at the workplace by all employees;

13 (b) may require that employees shall not be under the
14 influence of alcohol or be engaging in the illegal use of
15 drugs at the workplace;

16 (c) may require that employees behave in conformance
17 with the requirements established under the federal
18 Drug-Free Workplace Act of 1988 (11 U.S.C. 701 et seq.) and
19 the Drug Free Workplace Act;

20 (d) may hold an employee who engages in the illegal use
21 of drugs or who is an alcoholic to the same qualification
22 standards for employment or job performance and behavior
23 that such employer holds other employees, even if any
24 unsatisfactory performance or behavior is related to the
25 drug use or alcoholism of such employee; and

26 (e) may, with respect to federal regulations regarding
27 alcohol and the illegal use of drugs, require that:

28 (i) employees comply with the standards
29 established in such regulations of the United States
30 Department of Defense, if the employees of the employer
31 are employed in an industry subject to such
32 regulations, including complying with regulations (if
33 any) that apply to employment in sensitive positions in
34 such an industry, in the case of employees of the

1 employer who are employed in such positions (as defined
2 in the regulations of the Department of Defense);

3 (ii) employees comply with the standards
4 established in such regulations of the Nuclear
5 Regulatory Commission, if the employees of the
6 employer are employed in an industry subject to such
7 regulations, including complying with regulations (if
8 any) that apply to employment in sensitive positions in
9 such an industry, in the case of employees of the
10 employer who are employed in such positions (as defined
11 in the regulations of the Nuclear Regulatory
12 Commission); and

13 (iii) employees comply with the standards
14 established in such regulations of the United States
15 Department of Transportation, if the employees of the
16 employer are employed in a transportation industry
17 subject to such regulations, including complying with
18 such regulations (if any) that apply to employment in
19 sensitive positions in such an industry, in the case of
20 employees of the employer who are employed in such
21 positions (as defined in the regulations of the United
22 States Department of Transportation).

23 (4) For purposes of this Act, a test to determine the
24 illegal use of drugs shall not be considered a medical
25 examination. Nothing in this Act shall be construed to
26 encourage, prohibit, or authorize the conducting of drug
27 testing for the illegal use of drugs by job applicants or
28 employees or making employment decisions based on such test
29 results.

30 (5) Nothing in this Act shall be construed to encourage,
31 prohibit, restrict, or authorize the otherwise lawful exercise
32 by an employer subject to the jurisdiction of the United States
33 Department of Transportation of authority to:

34 (a) test employees of such employer in, and applicants

1 for, positions involving safety-sensitive duties for the
2 illegal use of drugs and for on-duty impairment by alcohol;
3 and

4 (b) remove such persons who test positive for illegal
5 use of drugs and on-duty impairment by alcohol pursuant to
6 subparagraph (a) from safety-sensitive duties in
7 implementing paragraph (3).

8 (Source: P.A. 90-481, eff. 8-17-97.)

9 (775 ILCS 5/3-102.1) (from Ch. 68, par. 3-102.1)

10 Sec. 3-102.1. Disability Handicap. (A) It is a civil rights
11 violation to refuse to sell or rent or to otherwise make
12 unavailable or deny a dwelling to any buyer or renter because
13 of a disability handicap of that buyer or renter, a disability
14 handicap of a person residing or intending to reside in that
15 dwelling after it is sold, rented or made available or a
16 disability handicap of any person associated with the buyer or
17 renter.

18 (B) It is a civil rights violation to alter the terms,
19 conditions or privileges of sale or rental of a dwelling or the
20 provision of services or facilities in connection with such
21 dwelling because of a person's disability handicap or a
22 disability handicap of any person residing or intending to
23 reside in that dwelling after it is sold, rented or made
24 available, or a disability handicap of any person associated
25 with that person.

26 (C) It is a civil rights violation:

27 (1) to refuse to permit, at the expense of the disabled
28 handicapped person, reasonable modifications of existing
29 premises occupied or to be occupied by such person if such
30 modifications may be necessary to afford such person full
31 enjoyment of the premises; except that, in the case of a
32 rental, the landlord may, where it is reasonable to do so,
33 condition permission for a modification on the renter agreeing

1 to restore the interior of the premises to the condition that
2 existed before modifications, reasonable wear and tear
3 excepted. The landlord may not increase for disabled
4 ~~handicapped~~ persons any customarily required security deposit.
5 However, where it is necessary in order to ensure with
6 reasonable certainty that funds will be available to pay for
7 the restorations at the end of the tenancy, the landlord may
8 negotiate as part of such a restoration agreement a provision
9 requiring that the tenant pay into an interest bearing escrow
10 account, over a reasonable period, a reasonable amount of money
11 not to exceed the cost of the restorations. The interest in any
12 such account shall accrue to the benefit of the tenant. A
13 landlord may condition permission for a modification on the
14 renter providing a reasonable description of the proposed
15 modifications as well as reasonable assurances that the work
16 will be done in a workmanlike manner and that any required
17 building permits will be obtained;

18 (2) to refuse to make reasonable accommodations in rules,
19 policies, practices, or services, when such accommodations may
20 be necessary to afford such person equal opportunity to use and
21 enjoy a dwelling; or

22 (3) in connection with the design and construction of
23 covered multifamily dwellings for first occupancy after March
24 13, 1991, to fail to design and construct those dwellings in
25 such a manner that:

26 (a) the public use and common use portions of such
27 dwellings are readily accessible to and usable by disabled
28 ~~handicapped~~ persons;

29 (b) all the doors designed to allow passage into and within
30 all premises within such dwellings are sufficiently wide to
31 allow passage by disabled ~~handicapped~~ persons in wheelchairs;
32 and

33 (c) all premises within such dwellings contain the
34 following features of adaptive design:

- 1 (i) an accessible route into and through the dwelling;
- 2 (ii) light switches, electrical outlets, thermostats, and
3 other environmental controls in accessible locations;
- 4 (iii) reinforcements in bathroom walls to allow later
5 installation of grab bars; and
- 6 (iv) usable kitchens and bathrooms such that an individual
7 in a wheelchair can maneuver about the space.

8 (D) Compliance with the appropriate standards of the
9 Illinois Accessibility Code for adaptable dwelling units (71
10 Illinois Administrative Code Section 400.350 (e) 1-6) suffices
11 to satisfy the requirements of subsection (C) (3) (c).

12 (E) If a unit of local government has incorporated into its
13 law the requirements set forth in subsection (C) (3),
14 compliance with its law shall be deemed to satisfy the
15 requirements of that subsection.

16 (F) A unit of local government may review and approve newly
17 constructed covered multifamily dwellings for the purpose of
18 making determinations as to whether the design and construction
19 requirements of subsection (C) (3) are met.

20 (G) The Department shall encourage, but may not require,
21 units of local government to include in their existing
22 procedures for the review and approval of newly constructed
23 covered multifamily dwellings, determinations as to whether
24 the design and construction of such dwellings are consistent
25 with subsection (C) (3), and shall provide technical assistance
26 to units of local government and other persons to implement the
27 requirements of subsection (C) (3).

28 (H) Nothing in this Act shall be construed to require the
29 Department to review or approve the plans, designs or
30 construction of all covered multifamily dwellings to determine
31 whether the design and construction of such dwellings are
32 consistent with the requirements of subsection (C) (3).

33 (I) Nothing in subsections (E), (F), (G) or (H) shall be
34 construed to affect the authority and responsibility of the

1 Department to receive and process complaints or otherwise
2 engage in enforcement activities under State and local law.

3 (J) Determinations by a unit of local government under
4 subsections (E) and (F) shall not be conclusive in enforcement
5 proceedings under this Act if those determinations are not in
6 accord with the terms of this Act.

7 (K) Nothing in this Section requires that a dwelling be
8 made available to an individual whose tenancy would constitute
9 a direct threat to the health or safety of others or would
10 result in substantial physical damage to the property of
11 others.

12 (Source: P.A. 86-910.)

13 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

14 (Text of Section before amendment by P.A. 93-1078)

15 Sec. 3-103. Blockbusting.) It is a civil rights violation
16 for any person to:

17 (A) Solicitation. Solicit for sale, lease, listing or
18 purchase any residential real estate within this State, on the
19 grounds of loss of value due to the present or prospective
20 entry into the vicinity of the property involved of any person
21 or persons of any particular race, color, religion, national
22 origin, ancestry, age, sex, marital status, familial status or
23 handicap.

24 (B) Statements. Distribute or cause to be distributed,
25 written material or statements designed to induce any owner of
26 residential real estate in this State to sell or lease his or
27 her property because of any present or prospective changes in
28 the race, color, religion, national origin, ancestry, age, sex,
29 marital status, familial status or handicap of residents in the
30 vicinity of the property involved.

31 (C) Creating Alarm. Intentionally create alarm, among
32 residents of any community, by transmitting communications in
33 any manner, including a telephone call whether or not

1 conversation thereby ensues, with a design to induce any owner
2 of residential real estate in this state to sell or lease his
3 or her property because of any present or prospective entry
4 into the vicinity of the property involved of any person or
5 persons of any particular race, color, religion, national
6 origin, ancestry, age, sex, marital status, familial status or
7 handicap.

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14 grounds of loss of value due to the present or prospective
15 entry into the vicinity of the property involved of any person
16 or persons of any particular race, color, religion, national
17 origin, ancestry, age, sex, sexual orientation, marital
18 status, familial status or disability ~~handicap~~.

19 (B) Statements. Distribute or cause to be distributed,
20 written material or statements designed to induce any owner of
21 residential real estate in this State to sell or lease his or
22 her property because of any present or prospective changes in
23 the race, color, religion, national origin, ancestry, age, sex,
24 sexual orientation, marital status, familial status or
25 disability ~~handicap~~ of residents in the vicinity of the
26 property involved.

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30 conversation thereby ensues, with a design to induce any owner
31 of residential real estate in this state to sell or lease his
32 or her property because of any present or prospective entry
33 into the vicinity of the property involved of any person or

1 persons of any particular race, color, religion, national
2 origin, ancestry, age, sex, sexual orientation, marital
3 status, familial status or disability ~~handicap~~.

4 (Source: P.A. 93-1078, eff. 1-1-06.)

5 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

6 Sec. 3-104.1. Refusal to sell or rent because a person has
7 a guide, hearing or support dog. It is a civil rights violation
8 for the owner or agent of any housing accommodation to:

9 (A) refuse to sell or rent after the making of a bonafide
10 offer, or to refuse to negotiate for the sale or rental of, or
11 otherwise make unavailable or deny property to any blind,
12 hearing impaired or physically disabled ~~handicapped~~ person
13 because he has a guide, hearing or support dog; or

14 (B) discriminate against any blind, hearing impaired or
15 physically disabled ~~handicapped~~ person in the terms,
16 conditions, or privileges of sale or rental property, or in the
17 provision of services or facilities in connection therewith,
18 because he has a guide, hearing or support dog; or

19 (C) require, because a blind, hearing impaired or
20 physically disabled ~~handicapped~~ person has a guide, hearing or
21 support dog, an extra charge in a lease, rental agreement, or
22 contract of purchase or sale, other than for actual damage done
23 to the premises by the dog.

24 (Source: P.A. 83-93.)"; and

25 on page 11, immediately below line 29, by inserting the
26 following:

27 "(775 ILCS 5/5-102a new)

28 Sec. 5-102a. No Civil Rights Violation: Public
29 Accommodations. It is not a civil rights violation for a
30 medical, dental, or other health care professional to refer or
31 refuse to treat or provide services to an individual protected

1 under this Act for any non-discriminatory reason if, in the
2 normal course of his or her operations, the medical, dental, or
3 other health care professional would for the same reason refer
4 or refuse to treat or provide services to an individual who is
5 not protected under this Act and seeks or requires the same or
6 similar treatment or services. A non-discriminatory reason for
7 a medical, dental, or other health care professional to make a
8 referral includes, but is not limited to, a referral of an
9 individual protected under this Act to another medical, dental,
10 or other health care professional if that individual seeks or
11 requires medical, dental, or other health care treatment or
12 services outside of the referring medical, dental, or other
13 health care professional's area of specialization or practice,
14 and if, in the normal course of his or her operations, the
15 referring medical, dental, or other health care professional
16 would make a similar referral for an individual who is not
17 protected under this Act and seeks or requires the same or
18 similar treatment or services.".